



PATENT

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January 15, 2007

Date of Deposit

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number: 10/624,272

Filing Date: July 22, 2003

Applicant(s): Jean-Pierre Lalonde, et al.

Entitled: COOLING SYSTEM

Examiner: Rosiland Stacie Rollins

Group Art Unit: 3739

Attorney Docket No.: 21819-121CON

Mail Stop Amendment
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. § 1.131

Sir:

Jean-Pierre Lalonde, Marwan Abboud, Rachid Mahrouche, and Dan Wittenberger, the applicants in the above-identified patent application, declare as follows:

Application No. 10/624,272
Filed: 07/22/2003
Attorney Docket No.: 21819-121CON

We are the sole inventors of the subject invention claimed in the above-identified United States Patent Application Serial No. 10/624,272, filed July 22, 2003.

We have read and understood the Office Action mailed October 20, 2006 and the reference cited therein, and we make this Declaration in support of the patentability of the claims of United States Patent Application Serial No. 10/624,272.

This Declaration made under 37 CFR § 1.131 is made in response to the rejections of the claims in the aforesaid Office Action under 35 USC § 102(e) based upon United States Patent No. 6,471,694 to Kudaravalli et al.

The present Patent Application, Serial No. 10/624,272, filed on July 22, 2003, claims priority from Patent Application Serial No. 09/638,208, which was filed on August 11, 2000, and issued as U.S. Patent No. 6,635,053. Prior to the August 11, 2000 date of filing of the 09/638,208 Patent Application, we conceived the above-identified and claimed invention. As factual evidence of this, the following facts are entered with supporting documentation.

1. S sometime prior to August 2000, the applicants conceived of a cooling system, hereinafter the "Invention", as described in Patent Application Serial No. 09/638,208.

2. The 09/638,208 Application contains sufficient support and enablement for the claims currently pending in Application Serial No. 10/624,272, as demonstrated by the description and drawings contained therein which are identical to the present continuation application.
4. On or about June 9, 2000, work commenced on a draft document which ultimately became United States Patent Application Serial No. 09/638,208 (the "Patent Application") and on July 06, 2000, we received and reviewed a draft of the Patent Application, as evidenced by the attached letter and draft document, labeled Exhibit 1.
5. On August 11, 2000, an attorney representing our employer, CryoCath Technologies Inc., filed the Patent Application in the United States Patent Office.

It is respectfully submitted that the present Patent Application claims an invention which was conceived prior to August 2000, and reduced to practice with due diligence from before August 09, 2000 leading up to August 11, 2000, the filing date of Patent Application Serial No. 09/638,208, from which the present Patent Application claims priority. Accordingly, the Kudaravalli reference should be removed as a reference under 35 U.S.C. § 102(e).

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 2007/01/10

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Date: 2007/1/19

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